

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE
ZONING ORDINANCE BY REZONING CERTAIN
REAL ESTATE IN WARRICK COUNTY, INDIANA

**BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY,
INDIANA:**

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the rezoning, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

A part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 6 South, Range 9 West in Warrick County, Indiana and more particularly described as follows:

Beginning at a point on the North line of said quarter quarter section a distance of 1162.54 feet North 89 degrees 46 minutes 34 seconds East of the Northwest corner thereof; thence North 89 degrees 46 minutes 34 seconds East a distance of 150.00 feet to the Northeast corner of said quarter quarter section; thence South 00 degrees 08 minutes 14 seconds West a distance of 1166.82 feet; thence North 89 degrees 35 minutes 10 seconds West a distance of 150.00 feet; thence North 00 degrees 18 minutes 14 seconds East a distance of 1165.15 feet to the place of beginning and containing 4.015 acres more or less.

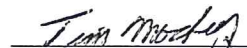

which real estate is now zoned and classified as part of the C-1 District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said C-1 District to said C-4 District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.


President

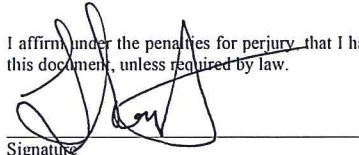

Member

Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:


County Auditor
2-14-11
Date Approved

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law.


Signature


Printed Name

This document prepared by Thomas C. Smith

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, K. R. Development Co., is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as a portion of parcel number 87-12-20-300-062.000-019, which real estate is more particularly described as follows, to wit:

A part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 6 South, Range 9 West in Warrick County, Indiana and more particularly described as follows:

Beginning at a point on the North line of said quarter quarter section a distance of 1162.54 feet North 89 degrees 46 minutes 34 seconds East of the Northwest corner thereof; thence North 89 degrees 46 minutes 34 seconds East a distance of 150.00 feet to the Northeast corner of said quarter quarter section; thence South 00 degrees 08 minutes 14 seconds West a distance of 1166.82 feet; thence North 89 degrees 35 minutes 10 seconds West a distance of 150.00 feet; thence North 00 degrees 18 minutes 14 seconds East a distance of 1165.15 feet to the place of beginning and containing 4.015 acres more or less.

WHEREAS, as the real estate is currently classified as a C-1 Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:


Assisted and Independent Living/Skilled Nursing Facilities and related business activities.

2. Use of the Real Estate shall be limited to the following development requirements:

N/A

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 30 day of December, 20 10 by K.R. Development Co. for the purpose set forth herein.

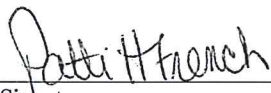

Signature
By: Kenneth D. Davis, Partner

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Kenneth D Davis who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 30 day of December, 20 10.

NOTARY PUBLIC


Signature

PATTI H French
Printed Name

A resident of VAUDSRBURGH County, Indiana.

My commission expires: JANUARY 11, 2012

This instrument prepared by: Thomas C. Smith
(Name)

301 E. Carmel Drive, Suite C-300
Carmel, IN 46032
(Address)

(317) 669-8404
(phone)

FILED

DEC 20 2010

WARRICK COUNTY
AREA PLAN COMMISSION

Receipt No. 17446

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC-R-11-01

Petitioner: Leo Brown Group, L.L.C.
By: Thomas C. Smith, President
Email Address: tsmith@leobrowngroup.com

Address: 301 E. Carmel Drive, Suite C300
Carmel, IN 46032

Owner of Record: K. R. Development Co.
By: Kenneth D. Davis, M.D., Partner
Email Address: _____

Address: 611 Harriet Street
Evansville, IN 47716

Lessee: N/A

Address: N/A

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of _____ (). County of Warrick (X), (Check One), State of Indiana, under the authority vested in the Warrick County Area Plan Commission by Chapter 138, Article V, Section 51 and of the 1957 Act of the General Assembly, as amended, State of Indiana.
2. Premises affected are situated on the South side of Stahl Road, a distance of 1,350 feet West of the corner formed by the intersection formed by Epworth Road and Stahl Road and 0 feet South of the intersection of Stahl Road and Stahl Business Court.

Subdivision or Legal Description:

A part of the Southwest Quarter of the Southwest Quarter of Section 20, Township 6 South, Range 9 West in Warrick County, Indiana and more particularly described as follows:

Beginning at a point on the North line of said quarter quarter section a distance of 1162.54 feet North 89 degrees 46 minutes 34 seconds East of the Northwest corner thereof; thence North 89 degrees 46 minutes 34 seconds East a distance of 150.00 feet to the Northeast corner of said quarter quarter section; thence South 00 degrees 08 minutes 14 seconds West a distance of 1166.82 feet; thence North 89 degrees 35 minutes 10 seconds West a distance of 150.00 feet; thence North 00 degrees 18 minutes 14 seconds East a distance of 1165.15 feet to the place of beginning and containing 4.015 acres more or less.

3. Located in Zone District Designated as: (Circle one or show one.)

City or Town: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1 C-2 C-3, C-4, W-R, W-1, M-1, M-2, M-3, PUD.

4. Requested change to: (Circle one or Show one.)

City or Town: F.P., CON, A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2, C-3, C-4 W-R, W-1 M-1, M-2, M-3, PUD.

5. Existing Land Use: Vacant
(a.) Conforming: N/A
(b.) Pre-Existing ~ Non-Conforming: N/A
(c.) Conditional Use: N/A

6. Proposed Land Use: Assisted & Independent Living/Skilled Nursing Facilities and related business activities.

Certificate: - Owner hereby certifies that he/she owns 50% or more of the land above described.

Date: 12-20-2010

Petitioner by: 
Thomas C. Smith
President, Leo Brown Group, L.L.C.

Owner by: 
Kenneth D. Davis, M.D.
Partner, K.R. Development Co.

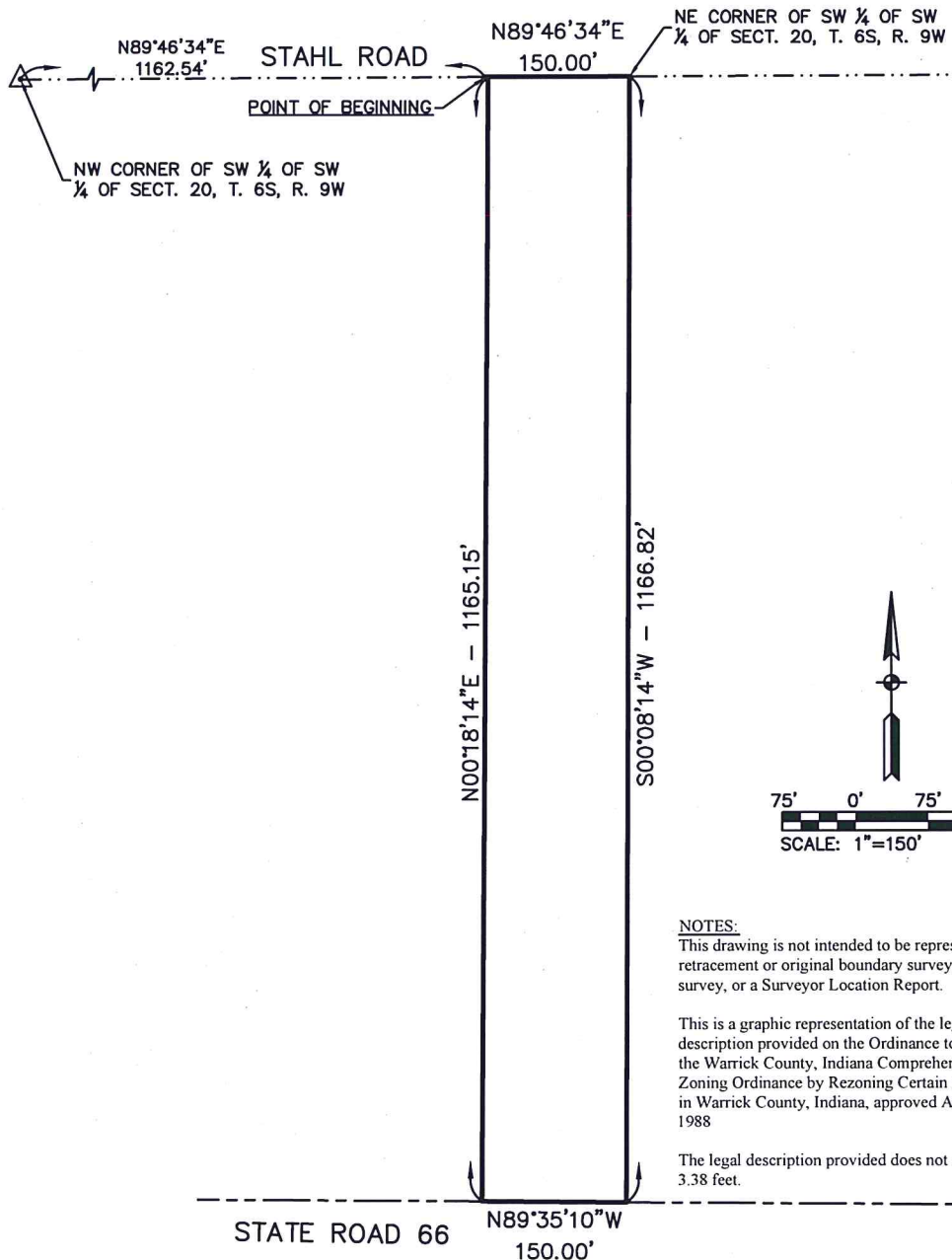
Phone: (317) 669-8404

LEGAL DESCRIPTION

Ordinance to Amend the Warrick County, Indiana Comprehensive Zoning Ordinance by Rezoning Certain Real Estate in Warrick County, Indiana
Approved August 10, 1988

A part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty (20), Township Six (6) South, Range Nine (9) West in Warrick County Indiana and being more particularly described as follows:

Beginning at a point on the North line of said quarter quarter section a distance of 1162.54 feet North 89 degrees 46 minutes 34 seconds East of the Northwest corner thereof; thence North 89 degrees 46 minutes 34 seconds East a distance of 150.00 feet to the Northeast corner of said quarter quarter section; thence South 00 degrees 08 minutes 14 seconds West a distance of 1166.82 feet; thence North 89 degrees 35 minutes 10 seconds West a distance of 150.00 feet; thence North 00 degrees 18 minutes 14 seconds East a distance of 1165.15 feet to the place of beginning and containing 4.015 acres more or less.



NOTES:

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

This is a graphic representation of the legal description provided on the Ordinance to Amend the Warrick County, Indiana Comprehensive Zoning Ordinance by Rezoning Certain Real Estate in Warrick County, Indiana, approved August 10, 1988

The legal description provided does not close by 3.38 feet.

PARCEL EXHIBIT

AMERICAN
STRUCTUREPOINT
INC.

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

DATE: 12-15-10

DRAWN BY: MJS

JOB NO. 2010.01396

SHEET NO.

1
of
1

DESC. FILE:

EDIT DATE: 12/15/10 - 2:20 PM EDITED BY: MSMITH DRAWING FILE: P:\2010\01396\0. DRAWINGS\2010.01396.SV\2010-12-15.EXH.REZONE EXHIBIT.DWG

FILED
DEC 20 2010
WARRICK COUNTY
AREA PLAN COMMISSION

ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE PUBLISHER.

FILED
DEC 8 0 2010
WARRICK COUNTY
AREA PLAN COMMISSION

